

PRESENT: Paul Jusko, Chairman
Patricia Hacker, Vice Chairman
Kevin Maxwell, Secretary
Margaret Andrzejewski
J. David Early
Jeff Mendola
Michael Pohl
David Stringfellow

ALSO Councilman Dennis Mead – Town Board Liaison
PRESENT: Michael Perley, Town Attorney
Dennis Kramer, Code Enforcement Officer
David Olek – Devon Mobile
Felicia Roth – Devon Mobile
Laura Jones – Devon Mobile
Gary Ferrara – SBA Network Services Inc.
Douglas Wittmeyer – Wittmeyer Jewelers

Chairman Jusko called the meeting to order at 7:31 P.M.

MINUTES

Chairman Jusko asked if there were any additions or corrections to the minutes April 9, 2002. Being none Mrs. Hacker made a motion to accept the minutes, second by Mrs. Andrzejewski. All in favor.

CORRESPONDENCE

Mr. Maxwell reported the following correspondence:

- Letter to North Boston Fire Company asking for update in pending application
- Earth Day brochure informing of meeting at Rockwell Hall on April 26, 2002
- Second Annual Town Finance and Management School – May 15 –17, 200 in Saratoga Springs
- From Erie County – brochure informing of seminar for Conflicts of Interest scheduled for April 25, 2002
- Response to David A. Carr, P.E. for Boston Grille, along with requested information
- Other correspondence to read at point in agenda

LIAISON – COUNCILMAN MEAD

Councilman Mead reported from the Town Board meeting of April 17, 2002:

- Approved Barden Home request to use Roy Place for driveway access, with same agreement as that with Timothy Kirst
- Southtowns Planning and Development Meeting on Monday, April 29, 2002
 - Councilman Mead said that he would be attending

DOUGLAS WITTMAYER – WORK SESSION

Secretary Maxwell read the letter to Mr. Wittmeyer advising of receipt of plans and instructing Mr. Wittmeyer to follow Chapter 97 of Town of Boston Code. Mr. Wittmeyer was also requested to submit an updated site plan, address handicapped parking and accessibility, and was advised that signage would be addressed.

Mr. Wittmeyer had telephoned Chairman Jusko asking for this work session.

Mr. Wittmeyer said that the survey submitted to Mr. Kramer was of the original bank, and nothing would change as far as parking, landscaping and design of building. He added that the cost of a new survey is very costly, and if nothing was being changed did not see the need for a new survey. Mr. Wittmeyer said he requested this work session to know exactly what is needed and expected. Mr. Wittmeyer said, that he intends to cleanup the landscaping, blacken and re-stripe the parking lot.

Mr. Jusko said that the scale of plan is not indicated, and that handicapped parking is not delineated. Mr. Wittmeyer said that a handicapped space would be added when parking lot is re-stripped, and handicapped accessibility would be made available.

Chairman Jusko advised Mr. Wittmeyer that this Board would not make any decision until this information is received.

Chairman Jusko referred to the signage on the building. He said that the 'diamonds' sign is beyond the 10% limit.

Mr. Wittmeyer asked to comment:

- the signs have been in existence since 1994, formerly placed at BJ's Plaza in Blasdell
- originally cost \$8,000.00, cost would make it difficult to replace
- had considered these same signs as free standing at roadside, felt placement on wall much better
- 410 square feet, with windows, on each side – the diamonds sign is 36 square feet, the gold on the front of the building covers 6%, and the jewelry sign is 9% coverage and the diamonds sign is 11 – 12% of coverage
- advised Deputy Code Enforcement Officer Lisowski that the diamonds sign was 11% to 12% of coverage to which Mr. Lisowski responded 'that will probably be okay'
- has made the most efficient use of signs and wall coverage
- would apply for variance if necessary
- considered switching jewelry and diamonds sign so larger sign is on wall without windows
- Operating hours scheduled to be
 - 3 nights until 5:30 p.m.
 - Saturday until 4:00 p.m.
 - 2 nights until 7:00 p.m.
 - Christmas Holiday hours expanded somewhat later
 - Lights are set on timer to shut off at 7:00 p.m.

Mr. Maxwell explained that windows are inclusive in the measurement of wall, and even with switching the signs a variance would be in order for the signs to remain.

Mr. Mendola asked about other signs on the front of the building. Mr. Wittmeyer said that a painted sign 'Wittmeyer Jewelry' would be added to the front of the building and even with that addition the coverage is still within limits. Chairman Jusko advised Mr. Wittmeyer that a new site plan, for the jewelry business, not the bank, would be expected, and that all signs present and proposed should be included.

Mrs. Hacker asked if Town Code allows for signs to be placed on three sides of a building. Mr. Perley said yes.

Douglas Wittmeyer, con't.

Mr. Jusko stated that the signs remain an issue. During winter months the signs will be lit when the days get dark at 4:15 p.m.; and the glare will be a nuisance. Mr. Maxwell asked if the intensity of the light could be reduced. Mr. Wittmeyer said the lights are a neon fluorescent, and so does not believe that is possible.

Mr. Perley explained to Mr. Wittmeyer that it is important to document what is done on site. What you provide to the Town is the plan that will be approved. This is not the same business as it was before, and therefore is categorized differently in Town Code, so you need to start over. He asked Mr. Wittmeyer to indicate handicapped parking, handicapped accessibility, delineate parking, and address the island going on to Zimmerman Road.

Mr. Wittmeyer asked if two handicapped parking spaces would be sufficient. Mr. Kramer said yes.

Mr. Maxwell asked if the one-way ingress off of Boston State Road would be maintained. Mr. Wittmeyer said that it was his belief that the State had installed that sign and he does not intend to do anything with it.

Mr. Maxwell asked if there would be a dumpster on site. Mr. Wittmeyer said there is, on the back perimeter to the Zimmerman Road side.

The signs continued to be discussed.

Chairman Jusko advised Mr. Wittmeyer to review and follow any part of the site plan review that is applicable.

SBA NETWORK SERVICES

Chairman Jusko stated the application is for a co-location on the Ward Road tower.

Gary Ferrara, representative of SBA gave the following information:

- Does not involve telecommunications
- Tower, where presently located, is coming down in June, in order to avoid a lapse in service, Family Network needs to be on a tower by the end of May
- Information has been supplied to the Town Board
- 22 foot long whip FM Radio antenna installed at a 95' height
- at base of tower 1.8 meter satellite dish
- remainder of equipment will be housed inside the building, and will use existing ice tray to shield cables running up the tower

Mr. Perley asked, where is this antenna in relation to the tree line and will it interfere with potential co-location of cellular carriers.

Mr. Ferrara said the antenna could be moved up or down the tower, and mounted in variety of ways so not to disturb telecommunications.

Mr. Perley asked if tower on Zimmerman Road had been considered. Mr. Ferrara said that he did not know, only that Family Network contacted SBA about the tower on Ward Road. He added that the height of the Ward Road tower might be a factor.

Mr. Perley said that he is concerned with this decision. The tower on Ward Road reaches more of the 219 Expressway for cellular telecommunications use.

SBA Network Services, con't

Mr. Maxwell asked how many additional telecommunications co-locations are available on this tower.

Mr. Ferrara said each time an antenna is placed on a tower, the tower is evaluated for structural ability in accommodating the additional equipment. He added that this type of radio antenna carries very minimal load on the tower.

Councilman Mead asked how many applications are on file for the Ward Road tower.

Mr. Jusko said that this issue was addressed at previous meeting and yet to receive an answer. He added that he did not recall co-location applications for the number of antennas that are indicated in the material presented tonight.

Mr. Jusko asked if this type of user requires an RPF study and letter to indicate need. Mr. Perley said that in this case the need is, they are a broadcast station that needs a tower. He added that this application would require a public hearing at Town Board level.

Mr. Maxwell said that he would ask that the Zimmerman Road tower be investigated, and be resolved before the May 14th meeting, and continue discussion at that meeting.

Mr. Ferrara said that he could contact Family Stations and ask the reasons for choosing this tower.

Mr. Perley said that he would contact WNED, he added that there could be frequency interference with WNED operating at 94.5 FM, or there could be interference issues with the neighboring tower.

Mr. Early stated that there is a lot of common equipment at ground level, he asked who is in charge of ground coverage. Mr. Ferrara said SBA leases space to individual companies or carriers, SBA controls placement. Generators are controlled by individual carriers, and they in some instances do choose to share.

Chairman Jusko asked if there is any further discussion. Being none, Chairman Jusko said that the application would be placed on the agenda for May 14, 2002, and possible vote at that time.

DEVON MOBILE

Chairman Jusko said that this application has not been referred by the Town Board, but wanted both co-location applications to be discussed this evening. He asked Mr. Olek to present his material.

Mr. Olek gave the following information for the Devon application:

- wireless company
- one of six original licenses
- has F frequency band
- partially owned by Adelphia Cable
- covers Jamestown to Elmira, and Buffalo to Pittsburgh
- flat fee per month
- equipment is very similar to Sprint equipment
- at base of tower – a small frame with 4 small cabinets
- at 200 foot level there will be 4 antennas
- will be tapping into power at the brick building
- telephone tap in is available
- Devon prefers to co-locate on existing towers
- Very low power level, similar to Sprint
- No back-up generator will be installed

Mr. Jusko asked Mr. Olek to make changes to the drawing presented to reflect what is on the tower currently.

Mr. Perley said that he would send application to William Johnson, RFP Specialist, for his review.

Devon Mobile, con't

Mr. Jusko said that the application would be placed on the agenda for formal action at the May 14, 2002 meeting. Mr. Perley added that a Public Hearing would be scheduled at Town Board for either the first or second meeting in June.

Mr. Olek asked if there is any further information needed. Mr. Perley said that he would review and refer to Town Engineer and contact Mr. Olek if more was needed.

Mr. Perley asked Mr. Ferrara to determine what is on the tower, the function of each and how many there are; and provide that information to Code Enforcement Kramer and to himself.

CODE ENFORCEMENT OFFICER KRAMER

Mr. Kramer had no report unless there were any questions for him. There were none.

Chairman Jusko asked if there is any other business to be brought before this Board.

Mr. Stringfellow asked about Boston Grille discussion. Chairman Jusko said all that has been received is a letter, and there still information that is needed that is not on the site plan just submitted.

Mr. Perley said this Board needs to know if this is a new site plan, or resurrecting an old one. A more defined communication is needed from the Boston Grille in order to continue.

Mr. Maxwell asked if the application previously filed is still valid. Mr. Perley said probably not.

Mr. Perley read from Zoning Chapter 123-161 which states that an application not having final approval 270 days after filing, shall be deemed abandoned. Mr. Perley asked Mr. Kramer to contact Boston Grille and advise them that they have to reapply, even if they incorporate material that has already been submitted.

Being none Mr. Stringfellow made a motion to adjourn at 8:47 p.m. Seconded by Mr. Early. All in favor.

Respectfully submitted,



Kevin G. Maxwell
Secretary

KGM:tjf